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2000P07843US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Banas
Serial No.: 09/772,274
Filed: 01/29/01
Group Art Unit: 2632
Examiner: Nguyen, P.
Title: METHOD TO ALERT A DROWSY DRIVER

REQUEST FOR RECONSIDERATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is responsive to the Office Action mailed on December 26, 2001. Claims 15-18 have been allowed and claims 19-24 stand rejected under §103(a).

Applicant asks for reconsideration of the rejection. The Examiner rejected claims 19-21 as being obvious over Kawakami in view of Saitho et al. (U.S. Patent No. 5,813,989) and claims 22-24 as being obvious over Kawakami in view of Brownlee. Kawakami discloses an apparatus and method for improving driver awareness by providing a terminable warning when a decrease in awareness is detected. The terminable signal can be a visual warning means, an audio warning means, or a tactile warning means. The driver then responds by terminating the warning. Saitho discloses a complex apparatus which detects the mental conditions of the driver. When sleepiness is detected based on the mental conditions and the data derived by the navigation system, the air conditioner system 2 blows cool air, altering conditions in the vehicle. Brownlee monitors oxygen levels and pumps oxygen into a passenger compartment 12 when the oxygen levels fall below a predetermined value, also altering conditions in the passenger compartment 12.

There would be no benefit to employing the cooling system of Saitho or the oxygen supply system of Brownlee in Kawakami. Providing cool air or pumping oxygen into a vehicle of Kawakami would alter conditions in the vehicle, but would not provide a terminable warning

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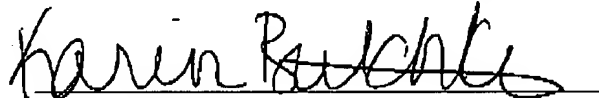
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which requires a response as required by Kawakami. There is no mention of driver drowsiness in Kawakami, nor could any benefit be seen by combining either of these references with the Kawakami reference. The rejections are improper, and Applicant respectfully requests that it be withdrawn.

Thus, claims 15-24 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

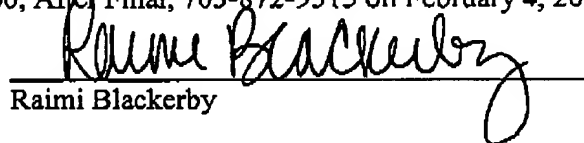


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Dated: February 4, 2002

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, TC 2600, After Final, 703-872-9315 on February 4, 2002.


Raimi Blackerby

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